



**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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WENTWORTH RATTRAY,

Plaintiff,

-against-

THE CITY OF NEW YORK et al.

Defendants.

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17-CV-8560 (PGG) (KHP)

ORDER

KATHARINE H. PARKER, UNITED STATES MAGISTRATE JUDGE

The Court is in receipt of a letter motion, dated April 5, 2022, from Defendants requesting that the Court preclude Plaintiff from relying on non-party Wendy Sandy's unattested-to deposition transcript in his anticipated opposition to defendants' motion for summary judgment and any prospective future proceedings. (ECF No. 204.) Defendants further request, that should the Court not rule on this application before April 6, 2022 – tomorrow – that they be allowed a two-week extension of their time to file their summary judgment motion, currently due April 15th, until the Court rules on this motion. (*Id.*)

Defendants request for an extension of time is denied. As for the other request, the Court will address it at the same time it evaluates the motion for summary judgment. It is unclear how, if at all, the deposition testimony of the non-party is even material to the outcome of the issues on summary judgment. To be clear, however, the court does not by this endorsement suggest that materiality of the testimony is relevant to the outcome of the use of the transcript. Accordingly, the briefing schedule previously provided shall remain: Defendants motion is due April 15, 2022, Plaintiff's opposition due May 16, 2022, reply due May 31, 2022.

The Clerk of the Court is directed to terminate ECF No. 204.

SO ORDERED.

DATED: April 5, 2022
New York, New York



Katharine H. Parker
U.S. Magistrate Judge